

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. SACV 09-1225 JVS (RNBx) Date January 21, 2010

Title Cervantes v. Quality Loan Service Corp.

Present: The Honorable James V. Selna

Karla Tunis

Deputy Clerk

None Present

Court Reporter

Attorneys Present for Plaintiffs:

None Present

Attorneys Present for Defendants:

None Present

Proceedings: (In Chambers) Order to Show Cause re Subject-Matter Jurisdiction

This matter was removed from the Superior Court for the County of Orange on October 21, 2009, on the basis of federal question jurisdiction, 28 U.S.C. § 1331. Plaintiffs have since filed a First Amended Complaint ("FAC"), which removed their lone federal cause of action.

"If the court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action." Fed. R. Civ. P. 12(h)(3). Considering the FAC alone, the Court lacks federal-question jurisdiction because the FAC contains no federal causes of action, 28 U.S.C. § 1331, and the Court lacks diversity jurisdiction because Plaintiffs and Defendant Quality Loan Service Corporation are citizens of California, 28 U.S.C. § 1332.

The Court orders the parties to show cause in writing within 10 days why this Court should not decline to exercise its jurisdiction under 28 U.S.C. § 1367 to retain the supplemental state claims, and remand the case to the Superior Court for the County of Orange.

In view of the uncertainty concerning jurisdiction, the motions to dismiss (Docket Nos. 24, 26), presently scheduled for hearing on February 1, 2010 and February 8, 2010, are hereby ordered off calendar. If the Court concludes that jurisdiction lies here, the motions will be reset.

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